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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,900	09/15/2000	Takahiro Okamoto	Q58055	2387

7590 05/16/2006

Sughrue Mion Zinn MacPeak & Seas PLLC
2100 Pennsylvania Avenue NW
Washington, DC 20037-3213

EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT PAPER NUMBER

2625

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/662,900	Applicant(s) OKAMOTO, TAKAHIRO	
	Examiner Madeleine AV Nguyen	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☒ Other: PTO-892 is enclosed.


 Madeleine AV Nguyen
 Primary Examiner
 Art Unit: 2625

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on April 24, 2006 have been fully considered but they are not persuasive for the following reasons:

Applicant refers to the last remark filed on September 2, 2005 and concludes that the externally defined CMYK does not correspond to a device-independent representation.

Applicant further remarks that the device-independent image signals representing density with single color block dye (black only) and not multiple colored block dyes.

It is noted that claims 1 and 6 claim means for or step of converting device-dependent image signals into device-independent image signals representing densities with block dyes. Decker teaches the conversion from input signals (RGB or CMY) to externally defined CMYK standard with a standard $L^*a^*b^*$ and to an equivalent $C^*M^*Y^*K^*$ combination having the same $L^*a^*b^*$ for a given printer. The first part, which is the conversion from device-dependent image signals (RGB OR YMC) to device independent image signals (externally defined CMYK standard with a standard $L^*a^*b^*$), is read on claims 1 and 6. Decker further teaches, "convert CMY to CMYK, i.e., a 3D to 4D conversion, is that these processes are based on theoretical colors and color relationships. A printer may not be capable of producing such theoretical colors." (col. 5, lines 23-27), "Any color combination (e.g., CMYK) that is specified as having certain color values (e.g., $L^*a^*b^*$ values) which do not take into consideration the characteristics of the colors of the printer that is to perform the printing, is referred to herein as being externally defined." (col. 5, lines 61-65) and then "Therefore, the printer that is to perform the printing must

convert the received externally defined CMYK values into equivalent CMYK values that take into consideration the colors (i.e., inks, toners, etc.) and capabilities of the given printer. A CMYK of a printer (C'M'Y'K') is equivalent to an externally defined CMYK if the L*a*b* values are the same." (col. 6, lines 4-10). Thus, it is certain that the externally defined CMYK values are device-independent image signals since they do not depend on the printer doing the print job. To support the well-know prior art of that, newly cited reference Takahashi et al (US Patent No. 5,579,132) is referred to. Takahashi teaches and image processing system (Fig.11 or 12) which converts colorimetric signals RGB output from image processing section 103 (Fig.4) to densities C, M and Y of the block dye by referring to the tables (col. 5, lines 61-67; col. 13, line 66 – col. 14, line 16). Specifically, Takahashi teaches, "The look-up tables stored in the conversion table memory 501 indicate the relation between tristimulus values (three appearance values R, G and B) and densities C, M and Y of the block dye." (col. 14, lines 12-16). Thus, the teaching in Decker is supported by the well-know prior art disclosed in Takahashi et al. Thus, in addition to the previous remarks and the above remarks, the externally defined CMYK signals having a standard L*a*b* values are considered as device independent signals being specified by different standard (e.g. SWOP standard as taught in Decker) and not depend on the given printer, and the densities of the block dies can be multiple block color dyes of C, M, Y and not single block color dyes K only.

Conclusion

2. The final rejection of claims 1-3, 6-8 and 12-14 is maintained.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Tuesday-Thursday 12:30-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

May 5, 2006